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9

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) CR No. 08-577
13)
Plaintiff,) GOVERNMENT'S EX PARTE
14) APPLICATION TO DISMISS
v.) INDICTMENT WITHOUT PREJUDICE
15) PURSUANT TO NON-PROSECUTION
LEVLAD, INC.,) AGREEMENT
16)
17 Defendant.)
18)
19)

20 Plaintiff United States of America, by and through its
21 counsel of record, respectfully submits an ex parte application
22 requesting that the indictment against defendant LEVLAD, INC. be
23 dismissed without prejudice. This request is based upon the
24 following:

25 1. LEVLAD, INC. has been charged in the matter of United
26 States v. Levlad, Inc., Case No. CR-08-577, with a single felony
27 count of knowingly causing the illegal storage of hazardous waste
28 at a facility without a permit, in violation of 42 U.S.C. §

1 6928(d). The parties have entered into a Non-prosecution
2 Agreement ("NPA") that includes dismissal of this criminal matter
3 without prejudice. In the event that LEVLAD, INC. fails to
4 comply with the terms and conditions of the NPA, it is the
5 understanding of the parties that the Government will re-
6 institute the criminal charges in this matter. In order to
7 preserve the Government's ability to do so, LEVLAD, INC. has
8 agreed in a separate agreement to toll the applicable statute of
9 limitations for the presently charged violation of 42 U.S.C. §
10 6928(d).

11 On this basis, the government respectfully requests that the
12 matter of United States v. Levlad, Inc., Case No. CR-08-577, be
13 dismissed without prejudice in lieu of the parties execution of
14 an NPA.

15 DATED: October 18, 2008

16 Respectfully submitted,

17 THOMAS P. O'BRIEN
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19 CHRISTINE C. EWELL
20 Assistant United States Attorney
Chief, Criminal Division

21 /S/

22 JOSEPH O. JOHNS
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